

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Sanberg et al.

Docket No. USF-805

Serial No.: 10/621,061

Group Art Unit: 1636

Confirmation No. 8835

Examiner: Nancy Vogel

Title: HUMAN IMMUNOSUPPRESSIVE PROTEIN

Affidavit under Rule 132

DEAR EXAMINER:

1. I, William R. Gower, Jr., am an inventor of the above-captioned patent application. I am Professor of Biochemistry, Molecular Biology, Physiology, and Biophysics at the University of South Florida, the owner of the above-captioned patent application. I have a financial interest in the patent application.

2. I received my B.A. from the University of Delaware; and my Ph.D. from Ohio State University.

3. I am the first author on the article entitled "hNT neurons express an immunosuppressive protein that blocks T-lymphocyte proliferation and interleukin-2 production," published in *Journal of Neuroimmunology* 125:103-113, 2002.

4. I have reviewed the May 3, 2007, Office Action and the patent application. I am providing this Affidavit and accompanying papers because the Office Action dated May 3, 2007, stated that there was no evidence to show the reduction to practice before the publication date of the above-mentioned article.

5. My co-authors and I reviewed our files for evidence of having reduced the invention to practice by producing an early draft of the manuscript which was subsequently published. Accompanying this affidavit is a copy of the marked-up initial draft from the journal, indicating the manuscript was 1st submitted 9/11/01. The marked-up draft was returned on January 7, 2002, with a letter requesting minimal changes.

6. The draft manuscript of 9/11/01 is substantially the same as the printed article. All the test data and conclusions in the draft manuscript are the same as the printed article.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully yours,

9/26/07
Dated

William R. Gower
William R. Gower, PhD